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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,545	12/17/1999	DARRYL L. GAMEL	96794DIV3	1308

7590 02/26/2002

MICHAEL C ANTONE
KIRKPATRICK & LOCKHART LLP
1500 OLIVER BUILDING
PITTSBURGH, PA 15222

EXAMINER

SMITH, SEAN PRENTISS

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 02/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



Patent and Trademark Office

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST-NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

13

DATE MAILED:

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Commissioner of Patents and Trademarks

The shortened statutory period for a reply is set at 1 month from the mailing date of this communication.

DETAILED ACTION

1. The reply filed on 11/15/01 is not fully responsive to the prior Office Action because: a response to the rejection 10/03/01 has not been properly addressed, since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a). The § 1.111 Reply by applicant or patent owner to a non-final Office action.
2. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions in regards to the 112, second paragraph in paragraph 5. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them in regards to 35 U.S.C. 102(e) in paragraph 7 and 35 U.S.C. 102/103 in paragraph 9 of the office action dated 10/03/01.

- (1) If the Office action after the first examination (§ 1.104) is adverse in any respect, the applicant or patent owner, if he or she persists in his or her application for a patent or reexamination proceeding, must reply and request reconsideration or further examination, with or without amendment. See §§ 1.135 and 1.136 for time for reply to avoid abandonment.
- (2) A second (or subsequent) supplemental reply will be entered unless disapproved by the Commissioner. A second (or subsequent) supplemental reply may be disapproved if the second (or subsequent) supplemental reply

unduly interferes with an Office action being prepared in response to the previous reply. Factors that will be considered in disapproving a second (or subsequent) supplemental reply include: (i) The state of preparation of an Office action responsive to the previous reply as of the date of receipt (§ 1.6) of the second (or subsequent) supplemental reply by the Office; and (ii) The nature of any changes to the specification or claims that would result from entry of the second (or subsequent) supplemental reply.

(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the

references does not comply with the requirements of this section.

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TySean P Smith whose telephone number is 703-305-0831. The examiner can normally be reached on Monday thru Friday to 6:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo, can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-305-3579.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

SS


PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

February 22, 2002